
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART II

THE GENERAL LICENSING SYSTEM

Renewal of licences

Renewal of licences in respect of certain premises

17.—(1) Subject to paragraph (2), where a licence was granted for premises in which a principal business was carried on and an application for the renewal of the licence is made to a court of summary jurisdiction, the court, if satisfied that the principal business has been discontinued in consequence of damage caused to premises and an application has been, or will be made under the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971 or the Criminal Damage (Compensation) (Northern Ireland) Order 1977 for compensation for that damage, and that there is a likelihood that, within a reasonable period, either—

- (a) the principal business will be resumed in the licensed premises, or
- (b) an application will be made to a county court for a new licence in lieu of the existing licence to enable the business to be carried on in other premises (whether on the same site or not), or
- (c) an application will be made to the county court for a new licence and the licence sought to be renewed is proposed to be surrendered as a subsisting licence,

may grant the renewal for a period of 12 months notwithstanding that—

- (i) the licensed premises have ceased to exist; or
- (ii) the principal business has been discontinued; or
- (iii) the premises are no longer premises of an establishment allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992 to a statutory category of tourist establishment or, as the case may be, no longer provide accommodation approved by the Northern Ireland Tourist Board.

(2) Where an application for the renewal of the licence has been made on 2 previous occasions in respect of any premises the court shall not grant the renewal under paragraph (1) unless the applicant—

- (a) satisfies the court that there were reasonable grounds for the failure either to resume the principal business in the licensed premises or to make an application for a new licence; and
- (b) produces evidence to the court that he is taking the necessary steps to resume that business or make that application within the next 12 months.

(3) Where in respect of any period of 12 months a licence is renewed under this Article, Articles 5(3)(a), 44 and 45 and Article 5(6) in so far as it relates to Article 5(3)(a) shall not apply to the conduct of the licensed business in the licensed premises during that period.

(4) In this Article—

“principal business” means the business of an hotel or the business of providing accommodation for guests in premises such as are mentioned in Article 2(5)(a) or (b);

“licensed business” means the business of selling intoxicating liquor in premises in which a principal business is carried on.